

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **April 14, 2015 6:00 p.m.**

3 **15 South Main, Providence UT**

4
5 Call to Order: Mayor Calderwood
6 Roll Call of City Council Members: Mayor Calderwood
7 Attendance: Jeff Baldwin, Bill Bagley, Ralph Call, John Drew, John Russell
8 Pledge of Allegiance: Mayor Calderwood
9

10 **Approval of the minutes**

11 **Item No. 1.** The Providence City Council will consider approval of the minutes of March 24, 2015 City
12 Council meeting.

13 **Motion to approve the March 24, 2015 minutes: J Russell, second – J Baldwin**

- 14
 - Page 2, Line Hogan not Bogin
 - Page 4, Line 11 – Neighbor Improvement Manager
 - Page 4, Line 13 – add to the next council meeting
 - Page 4, Line 37 J Baldwin not J Bagley
 - Change second J Baldwin vote to J Russell throughout

19 **Vote: Yea: J Baldwin, B Bagley, R Call, J Drew, J Russell**

20 **Nay: None**

21 **Abstained: None**

22 **Excused: None**

23 **Public Comments:** Citizens may appear before the City Council to express their views on issues within
24 the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per
25 person. The total time allotted to public comment is 15 minutes The City Council may act on an item, if it
26 arose subsequent to the posting of this agenda and the City Council determines that an emergency
27 exists.

- 28
 - Mayor asked public to restrict comments to the zoning issue only. City Council will only *consider*
29 annexation of the property tonight. Mayor will ask for a hand vote of audience members in
30 favor of the annexation and a hand vote of audience members not favor of the annexation. He
31 asked there not be any comments regarding the annexation tonight. If the Council decides they
32 want to consider annexing the property, there will be a public hearing later on. There will be no
33 annexation tonight.
 - S Bankhead said this is not a rezone of SFL, just a change to the use chart.
 - Cheryl Eames, asks the council to follow Planning Commission's recommendation and not adopt
36 the amendment.
 - Everett Barney, 299 N. 400 E., said one of the most prideful investments is our homes. We
38 maintain and improve our homes to show pride of ownership and increase value. He feels the
39 amendment will affect the property values and there will be a potential of losing investments.
40 He is also concerned that if this amendment is approved, it will not be limited to the golf course.
41 Eventually, there could be a motor cross racing track along with other entertainment venues.
42 Porta-potties placed at the golf course is also a concern. His view will be of the porta-potties if
43 they are permitted instead of the mountains.
 - Laura Fisher, she understood that the council had yet to receive a recommendation from the
45 Planning Commission. She is concerned about the way it is printed on the agenda. The
46 publication of the agenda implies that the council was going to make a decision. Mayor said the
47 council does have a recommendation from the Planning Commission. She asked the Council to
48 consider this conditional use permit very carefully. She is not in favor of the amendment. She

annexation, the city can make requirements of the developer. This is not under a subdivision ordinance, but an annexation ordinance. Once the property is annexed, then it comes under the subdivision ordinance.

- J Baldwin feels like the council is lacking information on infrastructure capacities.
- B Bagley said this has been in the planning stage for many years. At some point, the development will come in, but he also feels there are a lot of unanswered questions. Once this is approved, then the council will be on the clock to get the annexation done. He feels it needs further study.
- J Drew also felt this was premature. Planning and zoning is currently reevaluating the general transportation plan, and that will have an impact on the outcome. This needs to be done with a clear vision of where this will go.
- R Call felt there is no downside to annexing property. The upside is the ability to control what happens to that property. The owner can go through River Heights, Logan or the county then there will be no control by Providence of what happens on that property. He feels it is unrealistic to expect the property owner to know exactly what all the future plans for this property will be.
- J Russell asked for clarity on the time frame.
- S Bankhead said the City has 30 days to certify the petition if the council decides to move forward with this annexation. She read Utah Code 10-2-405. (See attached code).
- J Baldwin said it is important to consider that if it is annexed, can the City realistically provide water, sewer connection, other utilities and roads. A significant amount of homes will go in under that zoning.
- Mayor said this council is in the driver's seat until the decision is made whether or not to annex. Once the annexation takes place, the developer has to meet subdivision standards and ordinances.
- J Drew said Planning Commission is currently working on the general plan for the city, which will include zoning. He feels like the City needs a clear vision of where this is going before a decision is made. Water is an issue.
- R Call said he can't see any downside to annexing the property. On the upside, annexation gives the City a lot of control over what happens on that property. He feels the city is ready now to annex the property and it is unreasonable to expect the owner to have concrete plans in place.
- J Russell said he would like clarity on the time frame. Once this is considered for annexation, what happens next.
- S Bankhead said once it is accepted for further consideration, she has 30 days to certify the petition. If it had not been on the agenda tonight, it would have been assumed that the City was moving forward. Skarlet reviewed the process for annexation. If this moves forward, at some point there will have to be a public hearing and once the hearing is held there is nothing that says the decision has to be made in a certain time frame as long as the city is working with the developer on the annexation, agreements, etc.
- R Call said the majority of this property has already been annexed. The developers will be responsible to bring water. The answers to some of these questions will be answered as the development moves along. It protects nearby property owners and benefits the city. The city will be as responsible as possible to protect other property owners and the City.
- Mayor asked for a vote of council members who are in favor of considering at this time. R Call and J Russell were in favor. B Bagley, J Drew and J Baldwin were not in favor.

Vote: Yea: R Call, J Russell
Nay: B Bagley, J Baldwin, J Drew
Abstained: None

1 **Excused: None**

- 2 • James Geier came to share Logan City's experience with code enforcement. He feels like
3 property ownership makes a difference between those who abide the ordinance and those who
4 don't. He feels the Providence code falls short in the leverage and means to enforce it. In Logan
5 City they deal with about 400 cases per year. He feels it is important to maintain a relationship
6 with the violators and keep it a civil matter not a criminal matter. Once the officer shows up, it is
7 a criminal matter and it is much more difficult to resolve. If a violator does not respond to a
8 written civil notification, then the City of Logan assumes the violator has waived rights to an
9 appeal and fines start to accrue. Logan seeks cooperation first and foremost and usually gets
10 compliance.
- 11 • R Call asked about the complaints which generate action from the city. Mr. Geier said they
12 address and verify all complaints. They also drive around and look for violations.
- 13 • Recommendation:
 - 14 ○ Feels the Council should not be the hearing body for code violation/appeals. It is a
15 conflict of interest. Logan has a hearing officer if there is an appeal. It is an informal
16 process, but they generally get compliance. If they don't, they go to collection or
17 remediation situations. They also have a justice court venue. They only had one appeal
18 last year out of 400 cases. Often compliance is achieved with just a phone call.
 - 19 ○ Fines accrued for non-compliance which is a good method of enforcement. The city is
20 open to extensions, but they have to be followed.
 - 21 ○ Staff consists of a code compliance inspector rather than a nuisance officer, and a
22 secretary. The city receives block grant funding, about \$500,000 annually for Logan.
 - 23 ○ Compliance inspector sets the fines for code violation. \$100/day up to \$1,000. Liens
24 follow the collection process. If a violator still isn't compliant the city goes to collections
25 on the fines which can result in liens. 80 – 90% of violations are resolved with a letter
26 from the city with a 10 day window to respond. Notice of violation follows if the letter is
27 not responded to within 10 days. If a violator does not respond within 10 days, they
28 waive the right to a hearing appeal. If the violator still does not respond or comply, then
29 the City goes to small claims.
- 30 • J Baldwin asked about what is considered a nuisance in Logan City.
- 31 • J Geier said they consider all aspects of the code for violations, not just nuisance violations.
- 32 • Kevin Fife asked if Logan ever goes in and cleans up a property.
- 33 • J Geier says they need an abatement order to enter a property. The City can do an emergency
34 abatement, which moves much faster, to clean up the property. They try to avoid that as it is
35 not advantageous to the City to enter a property to clean it up.
- 36 • J Baldwin asked about consistency. J Geier said they are very consistent with application of code
37 violations. Education is part of the solution to the problem. They have very effective minimum
38 standards.
- 39 • S Bankhead asked what happens after the City has exhausted all means but the owner still has
40 not cleaned up the property.
- 41 • J Geier said they can file a criminal summons and a judge will mandate the cleanup. Generally
42 the compliance will come at the beginning of the process rather than the end of the process.
- 43 • J Drew if the abatement is avoided by the process Logan follows.
- 44 • J Geier says almost always the violators are compliant and willing to cooperate when they are
45 notified. Often a courtesy notice on the door resolves the issue. The formal process is reserved
46 for the most egregious violators. Agents, tenants and owners are always notified. Agents and
47 property owners are usually the most responsive and have the most control over the property.
- 48 • Bob Bissland asked how they decide if a complaint is valid.

- 1 • Blacksmith Fork Irrigation Company said Blacksmith Fork River does not have the flow it had last
2 year. There could be less water for the exchange. They will determine that at a later date. The
3 less water out of Blacksmith, the less we can get from Spring Creek.
4

5 Mayor Calderwood read the following items for executive session.

6 **Executive Session:**

7 **Item No. 1.** The Providence City Council may enter into a closed session to discuss land acquisition or the
8 sale of real property Utah Code 52-4-205(1) (d) and (e).

9 **Item No. 2.** The Providence City Council may enter into a closed session discuss pending litigation Utah
10 Code 52-4-205(1) (c).

11 **Item No. 3.** The Providence City Council may enter into a closed session as allowed by Utah Code 52-4-
12 205(1) (a).

13 **Motion to enter Executive Session: J Baldwin, second – J Russell**

14 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

15 **Nay: None**

16 **Abstained: None**

17 **Excused: None**
18

19 **Motion to close Council meeting: J Baldwin, second – R Call**

20 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

21 **Nay: None**

22 **Abstained: None**

23 **Excused: None**

24 CC meeting adjourned at 8:16 p.m.

25 Minutes recorded by S Bankhead and prepared by C Craven.
26
27



28 

29 Don W. Calderwood, Mayor
30


Skarlet Bankhead, City Recorder